IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Original Jurisdiction

Dated Nainital the 7th day of January 2004

Crl. Bail Application No. 13 of 2004

Order on the Bail Application

CRIMINAL SIDE

Munni Devi W/o Shri Trilok Ram,
R/o Kakika,
P.S. Teh Dharchula,
District Pithoragarh ….…. Applicant

Vs.

State of Uttaranchal. ……. Opposite Party

Crime No. 360 of 2003.
Under Section 20/22 N.D.P.S. Act
P.S. Jollgivi, Teh. Dharchula
District- Pithoragarh

By the court.

Hon,ble Rajesh Tandon, J.

Heard Smt. Pushpa Joshi learned counsel for the accused/applicant and learned A.G.A.

Learned counsel for the applicant has submitted inter-alia, that 500 gms of Charas has been recovered from the applicant-accused which is lesser than commercial quantity; that the mandatory provisions have not been complied with and the applicant-accused has no previous criminal history; that the applicant is a old lady.

Both the parties have pointed out the notification specifying small quantity and commercial quantity under Sub clause vii (a) and xxiii (a) of Section 2 of the N.D.P.S. Act, 1985, in which 100 gms of Charas has been shown as small quantity whereas 1 kg has been shown as commercial quantity.

Considering the aforesaid facts, it is a fit case for grant of bail.

Let the applicant Munni Devi be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Special Judge, N.D.P.S. Act, Pithoragarh.

Dated 07.01.2004: **(Rajesh Tandon, J.)**
NCM